

Budget Unit Brief

FY 2017



Department of Public Safety Asset Sharing Fund – State

Purpose and History

The Iowa Attorney General has the legal authority to share forfeited property receipts with participating state and local law enforcement agencies. Any state or local law enforcement agency that directly participates in an investigation or prosecution resulting in a forfeiture may request an equitable share of the net proceeds of the forfeiture.

The forfeiture receipts must be used for law enforcement purposes. It typically takes six to 18 months to complete a forfeiture and distribute the funds. State asset sharing funds can be spent for any law enforcement purpose including salaries, training supplies, and equipment, or to leverage federal grant money. The use of federal asset sharing funds is more restricted and cannot be used for salaries or vehicles unless for new officers, and then only for a period of one year. Under federal guidelines, an officer is not considered a new officer until the agency has reached a staffing level in excess of the highest staffing level achieved historically. The state asset sharing funds have been used for uniforms, in-service training, partial salary funding, overtime, office rent, surveillance equipment, officer and firefighter clothing, copiers, body armor and protective gear, and computers.

Forfeitures under Iowa statute are civil matters, separate from criminal actions. Rules are promulgated by the Iowa Attorney General's Office with individual cases handled by the county attorney in the county where the forfeiture arises.

Funding

For the most part, state sharing funds result in approximately 70.0% to 80.0% going to the seizing agency, 10.0% to the county attorney, and 10.0% to the Iowa Attorney General's Office. The amount received by a county attorney varies, but rarely results in more than 20.0%; however, this depends on the level of participation in the case by local law enforcement agencies.

Forfeited property receipts in Iowa vary from year to year. From FY 2014 through FY 2016, Iowa has averaged approximately \$1.1 million per year.

Related Statutes and Administrative Rules

Iowa Code chapters [809](#) and [809A](#)
[61](#) Iowa Administrative Code chapter [33](#)

Revised August 23, 2016

More Information

Department of Public Safety: <http://www.dps.state.ia.us/>

Iowa General Assembly: <https://www.legis.iowa.gov/>

LSA Staff Contact: Alice Fulk Wisner (515-281-6764) alice.wisner@legis.iowa.gov